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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 Marvin Badua,) No. CV-08-0301-PHX-GMS (CRP)

10 Petitioner,) **ORDER**

11 v.)

12)

13 Katrina Kane, et al.,)

14 Respondents.)

15

16 Pending before the Court are Petitioner's petition for writ of habeas corpus/civil

17 rights complaint and United States Magistrate Judge Charles R. Pyle's Report and

18 Recommendation ("R&R"), and First Motion to Dismiss. (Dkt. ## 1, 22 and 23). The

19 R&R recommends that the Court dismiss the petition as moot and grant the motion to

20 dismiss case without prejudice because Petitioner was released from confinement on a

21 \$30,000 bond. (Dkt. # 23 at p.1). The Magistrate Judge advised the parties that they had

22 ten days to file objections to the R&R and that failure to file timely objections could be

23 considered a waiver of the right to obtain review of the R&R. *Id.* at p. 3 (citing 28

24 U.S.C. § 636(b).

25 The parties did not file objections, which relieves the Court of its obligation to

26 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149

27 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is

28 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must

1 determine de novo any part of the magistrate judge's disposition that has been properly
2 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-
3 taken. The Court will accept the R&R and [deny/grant/dismiss] the Petition/complaint.
4 *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in
5 whole or in part, the findings or recommendations made by the magistrate"); Fed. R. Civ.
6 P. 72(b)(3) ("The district judge may accept, reject, or modify the recommended
7 disposition; receive further evidence; or return the matter to the magistrate judge with
8 instructions.").

9 **IT IS ORDERED:**

- 10 1. Magistrate Judge Pyle's R&R (Dkt. # 23) is **ACCEPTED**.
11 2. Petitioner's petition for writ of habeas corpus (Dkt. #1) is **DISMISSED AS**
12 **MOOT**.
13 3. Petitioner's Motion to Dismiss Case Without Prejudice (Dkt. # 22) is
14 **GRANTED**.
15 4. The Clerk of the Court shall **terminate** this action.

16 DATED this 11th day of February, 2009.

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19 G. Murray Snow
20 United States District Judge
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